

**STATEMENT OF
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UNDER SECRETARY FOR POLICY-DESIGNATE
DEPARTMENT OF TRANSPORTATION
BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION
UNITED STATES SENATE**

March 4, 2003

Chairman McCain, Ranking Member Hollings, and Members of the Committee:

I want to express my thanks to you for scheduling this hearing and for providing me the opportunity to testify here today.

I am extremely grateful to President Bush and Secretary Mineta for proposing that I serve as the Department's first Under Secretary for Policy at the Department of Transportation.

As you know, the creation of this new office is intended to serve as the foundation for a far more effective approach to the formulation of transportation policy at DOT. I can tell you with some confidence that it represents the most significant change in the structure of the Office of the Secretary of Transportation in many years.

I base that assessment on many years of experience working at DOT in a variety of legal and policy positions. I know you have my c.v., but allow me to summarize the most relevant aspects of my background as a way of explaining why I am so pleased at the opportunity to serve in this new capacity.

My first tour of duty at the Department of Transportation began in the late 1960's, when I served as a trial attorney and later Special Assistant for Environmental Affairs in the Office of the General Counsel. I represented DOT in a great many regulatory proceedings before the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Administration, and spent a considerable amount of time on the implementation of the National Environmental Policy Act in the context of the Nation's transportation programs.

I left government in 1972 and spent several years traveling and working overseas -- mostly as an environmental lawyer for the United Nations Development Program. I returned to DOT in 1978 as Assistant General Counsel for International Law. After four years in that position I moved to the Office of Policy and International Affairs as Deputy Assistant Secretary. My immediate boss was the late Matt Scocozza, a former senior staff member of this Committee and a great leader from whom I learned an immense amount. My ultimate boss was one of your newest colleagues, Senator Elizabeth Dole.

In 1985 I moved to the Department of State as Deputy Assistant Secretary for Transportation Affairs to serve, among other things, as chief U.S. aviation negotiator. During my four years at State I also taught a seminar in international transportation law as an adjunct professor at the Georgetown University Law School.

In 1989 I returned to the Department of Transportation yet again in my first political appointment -- Assistant Secretary of Transportation for Policy and

International Affairs. While in that job I worked for Secretaries Samuel Skinner and Andrew Card on the full range of transportation issues for which DOT has responsibility.

After leaving the Department in early 1993 I joined a Washington law firm and launched a transportation-based legal practice. I enjoyed practicing law and expected to spend the rest of my career doing just that. Then, in the summer of 2001, I received a call from Deputy Secretary of Transportation Michael Jackson. He described Secretary Mineta's ideas for reorganizing the policy function, told me of the proposed new Under Secretary position, and then asked me if I would take the job.

I confess to a bit of wavering at first. It's not easy to let go of a practice you have spent most of a decade building and to say goodbye to partners and associates for whom you have developed great affection and respect. But in the end I concluded that this was an opportunity I simply couldn't pass up.

First, I had known Secretary Mineta well for many years and I knew that he brought to his office on Day One more knowledge and experience of Federal transportation programs than anyone in the history of the Department. Our Deputy Secretary, Michael Jackson, had been a colleague during the first Bush Administration and is one of the most talented people I've ever had the privilege of working with. I knew that this would be a great run for DOT and I felt very lucky to be asked to be part of it.

Second, if confirmed I would have the opportunity to oversee the transformation of the way transportation policy is made within DOT, in keeping

with Secretary Mineta's vision. By elevating the policy function and reorganizing the resources within it, he would make it possible to pull the Department's diverse responsibilities together as never before – giving more life to Congress's vision of the Department as reflected in the Department of Transportation Act of 1966.

Third, I was being asked to join the Department at a time when we would be working with Congress to reauthorize all of our core Federal transportation programs – highways, transit, aviation, intercity passenger rail service, and highway safety. For anyone who has devoted a career to transportation law and policy, this would be a moment not to be missed.

I had planned to return to the Department only after the new position had been created through legislation. Then came 9/11. Secretary Mineta asked that I help lead one of the teams he set up to deal with aviation security, and so I began work immediately – first in a consulting capacity and then as Associate Deputy Secretary – which we decided to treat as a placeholder until the Under Secretary position was created. If I am confirmed as Under Secretary, the Associate Deputy Secretary position will terminate as a matter of law.

I recite that recent history to let you know that I have had the privilege of working closely with Secretary Mineta and his team for the past year and a half. That experience has left me feeling even more fortunate at having been tapped for this opportunity. President Bush and Secretary Mineta have assembled a remarkably talented team of leaders for the Department's many transportation programs. Our assistant secretaries and modal administrators bring powerful

credentials to their jobs. They are unparalleled in their commitment to excellence and their determination to develop creative approaches to the many transportation policy challenges that we face today. Equally important, they work together and with the Office of the Secretary in a spirit of cooperation and camaraderie that exceeds anything I've seen in the past. That spirit, together with the structural changes Secretary Mineta has called for, will facilitate some important changes in the way the Department does business.

As you know, two of the Department's largest component agencies transferred to the Department of Homeland Security three days ago: The United States Coast Guard and the Transportation Security Administration. At the personal level, I will confess that I was very sad to see them go.

But the President is right in wanting all of the agencies with homeland security responsibilities to be part of the same Cabinet Department, and I know that the Coast Guard and TSA will flourish in their new home at DHS.

For the Department of Transportation, their departure creates an opportunity to refocus and rededicate our mission and our people to the core objectives spelled out in the Department of Transportation Act 37 years ago.

In sum, this is a critical time for transportation policy makers, and that's why I am so grateful for the opportunity I will have if confirmed to help shape the future of this sector. Transportation's importance to our Nation's economic well being cannot be overstated, and will only grow as businesses continue to rely more heavily on the free flow of goods and people to achieve higher levels of productivity. We must provide new solutions to deal with rising demands on our

transportation system. That will require some creative thinking on behalf of both the Department and Congress.

Let me conclude by underscoring my commitment, if I am fortunate enough to be confirmed by the Senate, to work closely with the Committee and its staff – as I have enjoyed doing over so many years -- in addressing the extraordinary challenges that confront our Nation's transportation system today.

I look forward to answering any questions you may have.

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